

IT IS SO ORDERED.

Dated: 04 August, 2010 11:04 AM


RANDOLPH BAXTER
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:) Case No. 10 – 15099
)
) Chapter 11
KIEBLER RECREATION, LLC)
) Judge Randolph Baxter
Debtor.)
)

**ORDER AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF KIEBLER RECREATION, LLC FOR AN ORDER AUTHORIZING IT
TO EMPLOY RSM MCGLADREY, INC. AS FINANCIAL ADVISORS,
NUNC PRO TUNC AS OF JUNE 29, 2010**

This matter came before the Court on the Application of the Official Committee of Unsecured Creditors (the “Committee”) of Kiebler Recreation, LLC for an Order Authorizing It to Employ RSM McGladrey, Inc. as financial advisors *nunc pro tunc* as of June 29, 2010 (the “Application”) filed on June 29, 2010 [Docket No. 108] . The Court (i) having reviewed the Application and the Verified Statement of T. Steven Blake submitted pursuant to Bankruptcy Code Section 1103 and Federal Rules of Bankruptcy Procedure 2014(a), 2016(b) and 6003(a), a

Director at RSM McGladrey, Inc. (“RSM”) attached to the Application as Exhibit B (the “Blake Statement”); (ii) having heard the statements of counsel in support of the relief requested in the Application at any hearing before the Court (the “Hearing”); and (iii) having determined that the legal and factual bases set forth in the Application and the Blake Statement and at the Hearing establish just cause for the relief granted herein;

THE COURT HEREBY FINDS THAT:

A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Notice of the Application and the relief requested therein was just and proper.

B. After a due and appropriate deliberation and process, the Committee determined that it desires to employ RSM as financial advisors, pursuant to sections 328, 329(a) and 1103 of the Bankruptcy Code and Rules 2014(a), 2016(b) and 6003(a) of the Federal Rules of Bankruptcy Procedure, *nunc pro tunc* as of June 29, 2010. The Committee contemplates that RSM will render financial advisory consulting services to the Committee as needed throughout the course of the chapter 11 case, all as described more fully in the Application.

C. The Committee requires knowledgeable financial advisors to render these essential professional services. RSM has experience with financial restructuring of troubled companies, experience in arranging cash collateral use and financing, experience in selling troubled assets, tax advisory expertise and experience, experience in forensic accounting and valuation and experience in advising and analyzing financial reporting, and is well qualified to represent the Committee’s interests in this chapter 11 case. RSM will represent the Committee, and not any members of the Committee in their individual capacities, in this chapter 11 case.

D. RSM will charge the estate for its advisory services on an hourly basis in accordance with its ordinary and customary hourly rates in effect on the date services are rendered. RSM will maintain detailed, contemporaneous records of time and any actual and necessary or appropriate costs and expenses incurred in connection with the advisory services described above.

E. Other than in connection with this chapter 11 case and as disclosed in the Blake Statement, RSM has no connection with the Debtor, its creditors, the United States Trustee or any other party in this chapter 11 case or their respective attorneys or accountants.

F. The Application and the Blake Statement filed contemporaneously with the Application are in full compliance with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules and the Local Rules of this Court.

In light of the foregoing FINDINGS, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Application shall be, and hereby is, GRANTED in its entirety.
2. The Committee shall be, and hereby is, authorized to employ RSM as its Financial Advisors in this chapter 11 case, pursuant to sections 328, 329(a) and 1103 of the Bankruptcy Code, *nunc pro tunc* as of June 29, 2010.
3. RSM shall be and hereby is authorized to perform any and all advisory services for the Committee as requested or required by the Committee in connection with this chapter 11 case.
4. RSM shall be compensated for such services and reimbursed for any related expenses in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy

Rules and the Local Rules of this Court, and pursuant to any additional procedures that may be established by the Court in this chapter 11 case or otherwise.

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Submitted by:

/s/ Daniel A. DeMarco

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